

UNITED STATES DISTRICT COURT

Southern

District of

New York

Camille Smith, Jerry Province, Samuel Ramos
and Jose Morales, et al.,

v.
David Paterson; Brian Fischer; Glenn Goord;
Richard Desimone, et al.

SUMMONS IN A CIVIL ACTION

CASE NUMBER: 08-cv-3313 (SHS)

TO: (Name and address of Defendant)

Brian Fischer, Commissioner
NYS Department of Correctional Services
1220 Washington Avenue
Albany, New York 12226-2050

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

LEVENTHAL & KLEIN, LLP.
45 MAIN STREET, SUITE 230
BROOKLYN, NEW YORK 11201

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

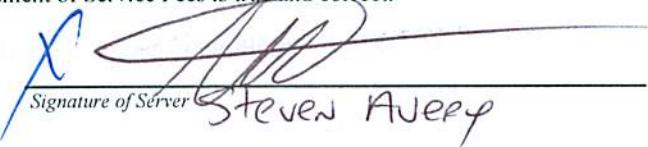
APR 02 2008

CLERK

DATE

Carlene McMahon
(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <i>Apr. 18, 2008 at 10:15am</i>	
NAME OF SERVER (PRINT) <i>Steven Avery</i>	TITLE <i>Process Server</i>	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <i>NYS Dept. of Correctional Services 1220 Washington Ave - Bldg 2 Albany NY 12226 - 2050</i>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted:		
<input checked="" type="checkbox"/> Other (specify): <i>served upon Leslie Becher, Esq., co-worker of the defendant. F, W, Red, 45, 5'3, 140</i>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>April 21, 2008</u>  <small>Date</small> <small>Signature of Server</small> <i>Steven Avery</i></p> <p><u>93 West Sand Lake Road Wyncantskill NY</u> <small>Address of Server</small></p> <p style="text-align: right;"><i>MICHAEL JAHROMI</i></p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.